

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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K.D. HERCULES, INC. ET AL,	:	
	:	
Plaintiffs,	:	
	:	20 Civ. 4829 (LGS)
-against-	:	
	:	
	:	<u>ORDER</u>
LABORERS LOCAL 78 OF THE LABORER's	:	
INTERNATIONAL UNION OF NORTH	:	
AMERICA ET AL,	X	
Defendants.		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the initial pretrial conference in this matter is scheduled for August 27, 2020;

WHEREAS, no significant issues were raised in the parties' joint letter or proposed case management plan ("CMP") (Dkt. 22);

WHEREAS, on August 19, 2020, Defendants filed a pre-motion letter (Dkt. 19) and Plaintiffs responded on August 17, 2020 (Dkt. 21); it is hereby

ORDERED that the August 27, 2020, initial pretrial conference is **cancelled**. If the parties believe that a conference would nevertheless be useful, they should inform the court immediately so the conference can be reinstated. The CMP will issue in a separate order. The parties' attention is particularly directed to the provisions for periodic status letters, and the need for a pre-motion letter to avoid cancellation of the final conference and setting of a trial date. It is further

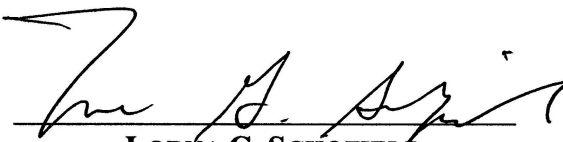
ORDERED that Plaintiff shall file in ECF a First Amended Complaint by **September 11, 2020**. It is further

ORDERED that, after Plaintiff's First Amended Complaint is filed, if Defendants seek to file a motion to dismiss, they shall file a pre-motion letter pursuant to Individual Rules III.A.1 and III.C.2. It is further

ORDERED that, regarding settlement discussions, if and when the parties are ready to proceed with a settlement conference with the assigned Magistrate Judge, they shall file a joint letter on ECF requesting a referral.

The parties should be aware that the Court does not stay or extend the deadlines for fact discovery on account of pending motions, and that the use of any alternative dispute resolution mechanism does not stay or modify any date in the CMP.

Dated: August 21, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE